



31 AUG 2006

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In re Application of
SEEDS et al.
Serial No.: 10/538,713
PCT No.: PCT/GB03/05428
Int. Filing Date: 12 December 2003
Priority Date: 13 December 2002
Attorney's Docket No.: KLB-002
For: AN OPTICAL COMMUNICATION
SYSTEM FOR WIRELESS RADIO SIGNALS

DECISION ON
SUBMISSION

This is a decision on applicants' submission under 35 U.S.C. 371, filed on 06 June 2006 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 10 June 2005, within the thirty month period, applicant filed a Transmittal Letter requesting entry into the national stage in the United States of America under 35 U.S.C. § 371 with, *inter alia*, the requisite basic national fee. Applicant also filed six separate declarations, pursuant to PCT Rule 4.17. Each declaration identified a single inventor and was executed by that inventor, rather than identifying all inventors listed in the published International application.

On 27 March 2006, a decision on the declarations was mailed indicating that the declarations did not identify all the inventors, were unacceptable and thus, did not meet the requirements of 37 CFR 1.497(a) and (b). A newly executed declaration was required.

On 05 April 2006, a Notification of Missing Requirements was mailed to applicant relying on the decision mailed on 27 March 2006.

On 06 June 2006, applicant submitted newly executed declarations along with the \$130 surcharge for filing the declarations after the thirty month period.

DISCUSSION

The declaration submitted on 06 June 2006 is comprised of four pages, containing Page 1 and Page 2, and three duplicate Page 3 signature pages, two duplicate Page 4 signature pages. Each Page 3 and Page 4 is executed by a different inventor. The declaration appears to be a composite declaration created from the combination of separately executed declarations. The declaration is not properly executed. It appears that either the attorney pieced together separate complete declarations into one composite declaration or that the inventors were presented with an

incomplete declaration. While it is acceptable for applicants to execute separate copies of the declaration, the entire declaration, as executed by the inventor, must be submitted. "Where individual declarations are executed, they must be submitted as individual declaration rather than combined into one declaration." *See MPEP 201.03*. The declaration is unacceptable as filed and thus, the requirements of 37 CFR 1.497 (a) and (b) have not been met.

CONCLUSION

For the reasons set forth above, the declaration submitted on 06 June 2006 is unacceptable as filed. What is required is one declaration where all inventors have signed or separate complete declarations in compliance with 37 CFR 1.497(a) and (b).

Applicant is required to correct the above-noted defects including the furnishing of an oath/declaration in compliance with 1.497(a) and (b) within ONE (1) MONTH from the mail date of this Decision or the time remaining under the 05 April 2006 Notification of Missing Requirements, whichever is longer. No extension of this time limit may be granted under 37 CFR 1.136 but the period for response set forth in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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